



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,055	02/18/2005	Reijo Varis	2657-1-002	3147

23565 7590 10/18/2007  
KLAUBER & JACKSON  
411 HACKENSACK AVENUE  
HACKENSACK, NJ 07601

EXAMINER

KUMAR, RAKESH

ART UNIT	PAPER NUMBER
----------	--------------

3651

MAIL DATE	DELIVERY MODE
-----------	---------------

10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/525,055	Applicant(s) VARIS, REIJO	
	Examiner Rakesh Kumar	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 05/30/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,5,6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garde et al. (U.S Patent Number 6,325,241) in view of Barker et al. (U.S. Patent Number 5,984,122) and further in view of Dullemen (US 6,651,840).

Referring to claims 1 and 6. Garde discloses a tablet dispenser for consecutive administering of tablets in a desired dose, the device comprising a collar-shaped cassette body (1; Figure 2), including a central opening (see opening at the center of the bottom part 21 in Figure 2, disposed between members 32 and 28, the opening is considered to be the open space in between) surrounded by an open-top annular space (space comprising series of compartments 24) which is divided by partitions (see partition wall between compartments 24) for dosage containers (24), and a cover (22), concealing the dosage containers (24), rotatable relative to the cassette body (21), and provided adjacent to its circular rim (outside rim of cover in Figure 2) with a dispensing aperture (33) which is coincidable with any dosage container (24) by rotating the cover (22), the cover (22) further including a central recess (see circular indentation disposed alongside opening 33 on which member 34 is positioned at center of cover 22), which is fit to be embedded in the body's central opening (see opening at the center of the bottom part 21 in Figure 2, disposed between members 32 and 28, the opening is considered to be the open space in between), and the body is provided with a knurling (32), having a pitch which is matched to that of the dosage containers (each knurling teeth member matches a position coinciding with each tablet compartment 24), and the cover (22) is provided with pawls (30) set for cooperation with the knurling (32), which provide a retaining response against rotation of the cover (22) once the cover's aperture (33) is in coincidence with a given dosage container (24), characterized in that the recess (see circular indentation disposed alongside opening 33 on which member 34 is positioned at center of cover 22) is provided with a window (see small circular opening

Art Unit: 3654

at lower portion of cover 22 in the recess; Figure 2, or the upper middle left side of cover in Figure 3), through which dosage and day information is visible, and that the pawls (30) are designed for allowing rotation of the cover (22).

Garde does not specifically disclose a dispensing schedule placed in the body's central opening and does not disclose the pawls designed for allowing rotation of the cover in either directions wherein the retaining response is more powerful in the backward direction than in the forward rotating direction.

Barker et al. discloses a dispensing schedule (738; Figure 10) placed in the body's central opening (above member 730 on member 710; Figure 10) to be viewable through the opening disposed on the top cover (712).

Dulleman discloses an apparatus for dispensing pills (Figure 1) wherein pawls (13; Figure 2) engage teeth (10; Figure 3) to selective orient the pill cavities adjacent to the release aperture (7). Dulleman further discloses the pawls (13) as being designed for allowing rotation of the of a portion of the housing in either direction and that said retaining response is more powerful in the housing's rotating direction backward than in its rotating direction forward (see Col. 3 lines 43-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde and include a dispensing schedule to be placed in the body's central opening underneath the cover to be visible through the indicator opening as taught by Barker because it would allow a single type dispenser to use various types of removable and replaceable dispensing schedule indicia to be available for a particular dosage regimen.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde in view of Barker to include pawls designed for allowing rotation of the housing in either directions and such that the retaining response for rotation of the housing in the backward direction is greater than the retaining response for rotation of the housing in the forward direction as taught by Dullemen because it would allow a user to reverse the cover to the correct dosage container without having to further rotate the cover completely around promoting excessive wear of the pawls and further the dual retaining responses for rotation in either direction would provide a sensory input to a user when the dispenser cover is rotated in the backward direction.

Referring to claims 5 and 17. Regarding claim 5, Garde discloses a tablet dispenser for consecutive administering of tablets wherein the cover has its outer rim provided with a knurling for a finger grip which facilitates rotation of the cover (see knurling molded on outer rim of cover 22; Figure 2). Regarding claim 17, see claim 1.

Claims 2,9,14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garde in view of Barker and Dullemen as applied to claim 1 above, and further in view of Lambelet et al. (U.S. Patent Number 5,555,597).

Referring to claim 2. Garde discloses a tablet dispenser for consecutive administering of tablets wherein the knurling (32) is located on the circular rim of the central opening (see opening at the center of the bottom part 21 in Figure 2, disposed between members 32 and 28, the opening is considered to be the open space in between) and the pawls (30) comprise flexible tabs (see Figure 30 present on the midway of the outer rim of the cover's recess (see circular indentation disposed alongside opening 33 on which member 34 is positioned at center of cover 22).

Garde does not disclose the pawls being disposed on the outer rim of the cover's recess.

Lambelet discloses pawls (241; Figure 8) positioned on the outer rim of the circular platform (236) to engage the notches (231) on the rotatable knob (203).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde in view of Barker and Dulleman to dispose the pawls on the outer rim of the cover's recess as taught by Lambelet because the assembly of the dispenser would be easier if the engagement of the pawls with the knurling are seen as they are engaged in position during assembly.

Referring to claim 9. See claim 5.

Referring to claims 14 and 20. See claim 1.

Claims 3,7,8,10,12,15,18, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garde in view of Barker, Dulleman and Lambelet as applied to claim 2 above, and further in view of McAllister et al. (U.S. Patent Number 5,782,359).

Referring to claims 3 and 7. McAllister discloses a child proof pill container wherein the body's top edge (29; Figure 2) has its outer rim (22) provided with a circular hem (30) and the cover (24) has its rim provided with inwardly directed lugs (28), the circular hem (30) being provided, at a pitch complementary thereto, with discontinuities (see space between member 29; Figure 2) which, in just one rotary position of the cover (24), establish passages for the lugs (28) which, by rotating the cover (24), are engageable behind the circular hem (30) for retaining the cover (28) in contact with the body (10) in all other positions except said rotary position allowing a passage of the lugs (28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde in view of Barker, Dulleman and Lambelet to include a circular hem on the outer rim of the body and include a complementary lugs positioned on the rim of the cover directed inwardly to engage the circular hem in all positions except a rotary disengaging position where the cover can be removed from the dispenser body as taught by McAllister. As a result, the cover can not accidentally be removed while rotating to the next dosage except when the two members are aligned a single unitary position.



Referring to claims 10 and 12. See claim 5.

Referring to claims 15,18, 21 and 23. See claim 1.

Referring to claim 8. See claim 4.

Claims 4,11,13,16,19,22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garde in view of Barker, Dullemen, Lambelet and McAllister as applied to claim 3 above, and further in view of Benaroya (U.S. Patent Number 4,572,403).

Referring to claim 4. Benaroya discloses a tablet dispensing device (Figure 1 and 9) wherein between the first (container 17 positioned on left side of solid top in alignment with inscribed position "01" on member 12; Figure 3) and last (container 17 positioned on right side of solid top in alignment with inscribed position "28" on member 12; Figure 3) dosage containers (17) lies a solid-top (see solid top on tablet tray 16; Figure 3), which occupies a space matching the dosage containers (17) pitch and the cover's (13) dispensing aperture (21) falls alongside the closed compartment (see solid top on tablet tray 16; Figure 3).

Benaroya does not disclose the compartment with the solid top having an open-bottom nor does Benaroya disclose that in the rotary position, which aligns with the solid top, allows a passage of lugs formed on the rim of the cover.

Art Unit: 3654

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the teaching of Garde in view of Barker, Dulleman, Lambelet and McAllister to position a passage for the lugs (Garde) of the cover alongside the closed compartment as taught by Benaroya because, it would allow the user to remove the cover of the dispenser to refill as the last dosage is consumed from the dispenser.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a closed compartment that contained an open bottom because it would reduce material cost and the weight of the dispenser.

Referring to claims 11 and 13. See claim 5.

Referring to claims 16 and 22. See claim 1.

Referring to claims 19 and 24. See claims 8 and 1.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection. See rejections above.

### ***Conclusion***

Art Unit: 3654

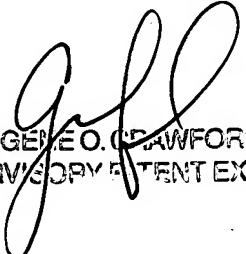
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (517) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RK  
October 11, 2007

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER